

Docket No.: 4296-146 US

8/A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Murase, H. et al.

Serial No.: Herewith

Group Art Unit: TBD

Filed: September 26, 2001

Examiner: TBD

Title: DERMATOLOGICAL AGENT FOR EXTERNAL USE

Commissioner for Patents
Washington, DC 20231PRELIMINARY AMENDMENT

Sir:

Prior to examination and prior to the calculation of the filing fee, please amend this application as follows:

In the claims:

Claim 3, line 2, please cancel "or claim 2".

Claim 4, line 2, please change "any of claims 1-3" to --claim 1--.

Claim 6, line 2, please change "any of claims 1-3" to --claim 1--.

REMARKS

Claims 3, 4 and 6 have been amended to cancel multiple dependencies. Attached is a clean copy of claims 3, 4 and 6. Claims 1-6 are in this application.

Applicants believe that the claims would have been allowable as originally filed. Accordingly, applicants assert that no claims have been narrowed within the meaning of the Federal Circuit's recent decision in *Festo Corp. v. Shoketsu Kinzoku Kohyo Kabushiki Co.*, No. 95-1066, 2000 WL 1753646 (Fed. Cir. Nov. 29, 2000).

A prompt and favorable action on the merits is earnestly solicited. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,



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DATE: September 26, 2001

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